

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DONTIE S. MITCHELL,

Plaintiff,

v.

COMMISSIONER GLENN S. GOORD, et al.,

Defendants.

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DECISION & ORDER

06-CV-6197CJS

Plaintiff's pending motion to amend is denied without prejudice to his renewing the motion upon assignment of counsel.

By decision and order dated April 30, 2007, the district court granted plaintiff's motion for appointment of counsel. (Docket # 34). In that decision, the Court decided to hold in abeyance all of plaintiff's pending motions, including the instant motion to amend the complaint. As to that motion, the court stated, "once counsel is appointed, he or she will be able to review the plaintiff's motion to amend the complaint . . . and determine whether to advance that application, or to revise it. (*Id.*).

In accordance with the April 30, 2007 order, local counsel is being sought who is willing and able to represent plaintiff in this action. In order to afford plaintiff the opportunity to confer with counsel regarding the pending motion, the motion to amend is denied at this time.

Upon assignment of counsel, plaintiff may, through counsel, file a motion to amend the pleadings, together with a proposed amended complaint.

**IT IS SO ORDERED.**

*s/Marian W. Payson*

MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
September 19, 2007